

Troy Selvaratnam, Esq.
SELVARATNAM LAW OFFICE, PLLC
233 Broadway, Suite 2208
New York, NY 10279
Tel: (917) 408-6485
Fax: (646) 219-2814
*Attorneys for Plaintiffs Fernando Hirsch Merhej and
Karifer Mercantile e Agrícola Eireli*

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X
FERNANDO HIRSCH MERHEJ and : 13 Civ. 0869 (JGK)
KARIFER MERCANTILE E AGRÍCOLA EIRELI, :
Plaintiffs, : **DECLARATION OF TROY**
- against - : **SELVARATNAM IN**
I.C.S. INTERNATIONAL CUSTODY SYSTEM : **SUPPORT OF MOTION FOR**
INC., ABC CORPORATIONS 1-50, ALEJANDRO : **DEFAULT JUDGMENT**
GIL and JOHN DOES 1-50, :
Defendants. :
-----X

I, Troy Selvaratnam, hereby declare under penalty of perjury that the following is true and correct:

1. I am a member of the Bar of this Court and am an attorney at Selvaratnam Law Office, PLLC, counsel for Plaintiffs Fernando Hirsch Merhej and Karifer Mercantile e Agrícola Eireli in the above-captioned action. I submit this declaration in support of Plaintiffs' Motion for Default Judgment pursuant to Rule 55(b)(2) of the Federal Rules of Civil Procedure and Rule 55.2 of the Civil Rules for the Southern District of New York for a Default Judgment in favor of Plaintiffs against Defendant International Custody System Inc. (the "Defaulting Defendant"). I am familiar with all of the facts and circumstances in this action.

2. On February 6, 2013, Plaintiffs commenced this action by the filing of the summons and complaint naming the Defaulting Defendant as one of the defendants in this action. A true and correct copy of the Complaint is attached hereto as Exhibit A.

3. This is an action to recover as follows:

- a. \$256,354.75 owed by all Defendants for violation of the Racketeer Influenced and Corrupt Organizations Act (“RICO”), 18 U.S.C. § 1962(c), and conspiracy to violate RICO, 18 U.S.C. § 1962(d), plus treble damages pursuant to 18 U.S.C. § 1964(c);
- b. \$256,354.75 owed by all Defendants for fraud in the inducement;
- c. \$256,354.75 owed by Defaulting Defendant and Defendant Alejandro Gil for aiding and abetting fraud;
- d. \$256,354.75 owed by all Defendants for conversion; and
- e. approximately \$2,000,000 owed by all Defendants for damages to Plaintiffs’ business caused by Defendant’s violations listed above.

4. Jurisdiction of the subject matter of this action is based on 28 U.S.C. §§

1331 and 1332.

5. On February 11, 2013, Plaintiffs properly served a copy of the Summons and Complaint on Defaulting Defendant by personal service on Alejandro Gil, an agent authorized by appointment to receive service for Defaulting Defendant. Proof of service by the process server was filed on February 15, 2013. A true and correct copy of the affidavit of service on Defaulting Defendant, as filed, is attached hereto as Exhibit B.

6. In accordance with the Summons, Defaulting Defendant was required to file an answer or responsive motion to the Complaint in this action by March 4, 2013. To date, Defaulting Defendant has not filed an answer or responsive motion to the Complaint.

7. The Defaulting Defendant is not an infant, in the military, or an incompetent person.

8. On April 16, 2013, the Clerk of Court entered a Certificate of Default as to the Defaulting Defendant. The Certificate of Default is attached hereto as Exhibit C.

9. This Motion seeks judgment against the Defaulting Defendant for the liquidated amount of \$769,064.25 with postjudgment interest accruing at the rate of 14% from the date of the Default Judgment, plus costs and fees of this action in the amount of \$10,628.33, totaling \$779,692.58.

WHEREFORE, Plaintiffs request the entry of the proposed Default Judgment against the Defaulting Defendant submitted herewith.

I hereby declare under penalty of perjury that the foregoing is true and correct.
Executed on this 25th day of April, 2013.



Troy Selvaratnam, Esq.